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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 23rd June 2005

No. 5292-li/1(BH)-19/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th April 2005 in Industrial Dispute Case No. 67/2003 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between Smt. Rita Biswas, M/s. Reliance Transport Contractor of Orissa Poly Fibres Ltd., Dhenkanal and its workmen Shri Parama Sethy and N. Parida represented through the President, Orissa Synthetics Shramik Sangha was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER

LABOUR COURT, SAMBALPUR

INDUSTRIAL DISPUTE CASE No. 67 OF 2003

Dated the 19th April 2005

Present :

Shri G. N. Patra, LL.B.
Presiding Officer, Labour Court
Sambalpur.

Between :

- | | |
|--|---------------------------|
| The Management of— | .. First Party—Management |
| 1. Smt. Rita Biswas, M/s. Reliance Transport Contractor of Orissa Poly Fibres Ltd., Dhenkanal, At Ratanbazar, Dhenkanal. | |
| 2. The Chief Executive, Orissa Poly Fibres Ltd., At Laxminagar, P. O. Baulpur, Dist. Dhenkanal. | |
| And | |
| Its workmen | .. Second Party—Workmen |
| Shri Parama Sethy and N. Parida | |
| C/o The President, Orissa Synthetics Shramik Sangha, At Mahavir Bazar, Dist. Dhenkanal. | |

Appearances :

For the First Party Management-1	..	Shri R. N. Goutam, Power of Attorney Holder.
and Management-2	..	Shri J. P. Jena, Authorised Representative.
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For the Second Party Workmen	..	The President, Orissa Synthetics Shramik Sangha, Dhenkanal.

AWARD

1. "This is a reference made by the Government of Orissa, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947 vide memo. No. 10730(5), dated the 10th November 2003 for adjudication as to whether the termination of services of Shri Parama Sethy and Shri Niranjana Parida, Contract Labourers with effect from the 31st December 2002 by Smt. Rita Biswas, E/D. Reliance Transport Contractor of M/s. Orissa Poly Fibres Ltd., At Laxminagar, P. S. Baulpur, Dist. Dhenkanal is legal and/or justified ? If not, what relief are they entitled to ?".

2. After receipt of the reference, Shri Bharat Sahu, President, Orissa Synthetics Shramik Sangha, Dhenkanal filed statement of claim on behalf of the Second Party Workmen. Thereafter the 1st party managements were asked to file their respective written statements. But the 1st party management-1 instead of filing written statement, filed a joint petition on the 10th March 2005 signed by both the parties i. e. Management-1 and the second party workmen along with a xerox copy of memorandum of settlement, dated the 14th November 2003 arrived at by them and prayed to pass a No Dispute Award. The 1st party Management-2 also filed a petition to pass No. Dispute Award on the grounds that the parties to the dispute under the reference have already settled the dispute. Therefore, the matter was posted to the 2nd April 2005 for hearing on the petitions and notice was issued by Regd. Post with A. D. to the 2nd Party's Union who remained absent after filing of statement of claim. The 2nd Party's Union did not appear in the Court inspite of receipt of notice under Regd. Post nor took any step. However, to give a further chance to the 2nd party, the case was further posted to the 18th April 2005 for hearing of the said petitions but even on the said date i. e., on the 18th April 2005 although the 1st party management appeared the 2nd party Union did not appear. The petitions were therefore, heard on that date in absence of the 2nd party workmen. The 1st party Management-1 filed the original memorandum of settlement, dated the 14th November 2003 in the Court. I have gone through the settlement which appears to be quite proper and reasonable. In view of the above bipartite settlement of the dispute, the present reference made by the State Government for adjudication of the said dispute becomes redundant. Accordingly, No Dispute Award is hereby passed in respect of the dispute under reference.

Dictated and corrected by me.

G. N. PATRA
(19-4-2005)
Presiding Officer
Labour Court, Sambalpur

G. N. PATRA
(19-4-2005)
Presiding Officer
Labour Court, Sambalpur

By order of the Governor
D. MISHRA
Under-Secretary to Government